

1 **Board of Towing and Recovery Operators**

2
3 **Licensing and Regulatory**
4 **Affairs Committee**

5
6 **Working Paper**
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4

5 **Purpose / Requirement for regulation.**
6

7 Section 46.2-2805 of the Code of Virginia establishes the authority of the Board for Towing and
8 Recovery Operators to establish requirements and oversight of towing and recovery operators
9 and the towing and recovery industry, to ensure their possessing and maintaining minimal levels
10 of competency for the public safety and welfare, to establish the necessary qualifications for
11 licensure and regulation of towing and recovery operators, to ensure the competency and
12 integrity of the regulated industry, to examine applicants, to establish renewal schedules, to
13 administer fees to cover the administrative expenses of the regulatory program, and to take
14 disciplinary action for violation of laws and regulations, and to provide oversight for and
15 enforcement of authorized documentation of drivers of towing and recovery vehicles.
16
17
18

19 **24 VAC 27-30-10. Definitions.**
20

21 The following words and terms when used in these regulations, by the Virginia Board for
22 Towing and Recovery Operators, or the Board's related documents, unless expressly stated
23 otherwise, shall have the following meanings:
24

25 **"Board"** or **"BTRO"** means the Virginia Board for Towing and Recovery Operators.
26

27 **"Class A Operator"** means a towing and recovery business towing vehicles of an unlimited
28 gross vehicle weight.
29

30 **"Class B Operator"** means a towing and recovery business towing vehicles of a gross vehicle
31 weight of 26,000 pounds or less.
32

33 **"Driver"** means a person who drives or is in actual physical control of a tow truck. A driver
34 shall have obtained an authorization document issued by the Board in order to drive a tow truck
35 while providing towing or recovery services.
36

37 **"Equipment"** means any tow truck, vehicle or related machinery or tools used to provide towing
38 or recovery services.
39

40 **"Gross weight"** means the aggregate weight of a vehicle or combination of vehicles and the
41 load thereon. *Add language regarding definition of gross weight.*
42

43 **"Gross vehicle weight rating"** **Re-visit this issue! (Alan Wambald) Curtis & Ray H.**

1
2 **"Highway"** means the entire width between the boundary lines of every way or place open to
3 the use of the public for purposes of vehicular travel in the Commonwealth, including the streets
4 and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all
5 private roads or private streets that have been specifically designated "highways" by an
6 ordinance adopted by the governing body of the county, city, or town in which such private roads
7 or streets are located.
8

9 **"Law-enforcement officer"** means any officer authorized to direct or regulate traffic or to make
10 arrests for violations of this title or local ordinances authorized by law. For the purposes of
11 access to law-enforcement databases regarding motor vehicle registration and ownership only,
12 this term shall also include city and county commissioners of the revenue and treasurers, together
13 with their duly designated deputies and employees, when such officials are actually engaged in
14 the enforcement of §§ 46.2-752, 46.2-753 and 46.2-754 and local ordinances enacted thereunder.
15

16 **"Operator"** means the same as "Towing and recovery operator" notwithstanding the provisions
17 of 46.2-100 for the purposes of these regulations.
18

19
20 **"Public Safety Tow," "Police-requested towing" "Law Enforcement requested or a "police**
21 **towing request"** ~~means requests for towing and recovery services made by a law enforcement~~
22 ~~officer of the county, city, or town or by a State Police officer within the county, city, or town~~
23 ~~pursuant to § 46.2-1217 of the Code of Virginia. Additionally, it shall mean towing requests~~
24 ~~made by a law enforcement officer at the request of the owner or operator of an unattended,~~
25 ~~abandoned, or immobile vehicle, when no specific service provider is requested by such owner~~
26 ~~or operator.~~

27 *Add Gary's new language.*
28

29 **"Roadway"** means that portion of a highway improved, designed, or ordinarily used for
30 vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if
31 divided by a physical barrier or barriers or an unpaved area.
32

33 **"Shoulder"** means that part of a highway between the portion regularly traveled by vehicular
34 traffic and the lateral curblineline or ditch.
35

36 **"Tow"** A "tow" shall be considered to have occurred when the towing vehicle has engaged the
37 towed vehicle in by a physical, mechanical means which causes the towed vehicle to be lifted off
38 the ground, in any distance whatsoever.
39

40 **"Towing and recovery operator"** means a business, corporation, sole proprietor or any person
41 offering services involving the use of a tow truck and services incidental to use of a tow truck.
42 Such shall include but not be limited to those engaged in the business of (i) removing disabled
43 vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping

1 and (ii) restoring to the highway or other location where they either can be operated or removed
2 to other locations for repair or safekeeping vehicles that have come to rest in places where they
3 cannot be operated. Such Operator or Towing and Recovery Operator shall be licensed by the
4 Board as a Class A or a Class B Operator.

5
6 **“Towing and recovery of vehicles”** or **“Towing and Recovery Services”** means services
7 offered by a towing and recovery operator. Any person who in any way advertises himself as a
8 towing and recovery operator or in any way conveys the impression that he is engaged in
9 services of providing towing and recovery of vehicles shall be deemed to be engaged in towing
10 and recovery services.

11
12 **"Tow truck"** means a motor vehicle for hire (I) designed to lift, pull, or carry another vehicle by
13 means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle
14 weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp
15 on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred
16 to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter,"
17 "stinger-steered automobile or watercraft transporter," or "tractor truck" as defined in § 46.2-100
18 of the Code of Virginia.

19
20 **“Tow Vehicle Decal,” “Tow Truck Decal,” “Decal”** or similar words shall mean a Board
21 issued decal to be affixed to the driver side door of a tow truck owned, leased or operated by
22 towing and recovery operator.

23
24 **24 VAC 27-30-15. Fees.**

25
26 A. The following fees shall be applicable:

27	Initial Fee Structure/Application Fee	\$ 500
28	Annual license renewal: Class A Operator	\$ 500
29	Annual license renewal: Class B Operator	\$ 500
30	Annual tow truck decal, per vehicle	\$ 10
31	Annual driver authorization documentation, per driver	\$ 50
32	Late renewal (operator, truck decal and driver)	150% of renewal fee (law requires)
33	Reinstatement following revocation or suspension of license	\$ 1000
34	Verification of licensure to another jurisdiction or government entity	\$ 25
35		
36		
37		
38		
39		
40		
41		
42		
43		

1	Returned check	\$ 35
2		
3	Duplicate copy of license, tow truck decal or driver authorization	\$ 10
4		
5	Out of state temporary operating permit (each permit).....	\$ 50
6		

7 B. All fees are nonrefundable.

8
9 C. Examination fees shall be determined by the Board.

10
11 **24 VAC 27-30-20. General Requirements for Operator’s licensure.**

12
13 As a condition for licensure, all operators shall:

- 14
15 A. Be a legal entity operating in the Commonwealth of Virginia.
- 16
17 B. List the name of the business or parent entity of the licensee as that under which a license
18 is applied for and if granted, maintained. However, the licensee at time of application
19 and each renewal of license shall provide the Board with any and all trade or fictitious
20 names under which the operator conducts or offers towing and recovery services.
- 21
22 C. Designate and advise the Board of their main or principle office and the physical address
23 of same. Should such change, the Board shall be notified within 30 days such change
24 occurs.
- 25
26 D. Shall be knowledgeable in all applicable state, federal or local laws and regulations
27 related to those towing and recovery services offered or rendered by the operator.
- 28
29 E. List the principle owner’s name or owners’ names on the application for license and
30 advise the Board of any change of same.
- 31
32 F. Provide the Board with information indicating all tow trucks owned, leased or used by
33 the operator. Such information shall include a basic description of the type of tow truck
34 and its license plate number and state issuing such license plate. Information shall be
35 provided no less frequently than on an annual basis, at time of initial licensure or renewal
36 of license.
- 37
38 G. Provide the Board with a list of all Drivers to the BTRO on an annual basis.

39
40 **24 VAC 27-30-25. Operator’s Licensure without examination.**

41
42 Applicants for licensure to take effect July 1, 2008 are required to:

43

- 1 A. Submit the application for license, indicating Class of operator, and remit payment of
2 fees applicable for application and first year license. Application shall include the
3 operator's federal tax identification number.
4
- 5 B. Validate in writing that they have read and understand the laws and regulations governing
6 towing and recovery services.
7
- 8 C. In order to qualify for "grandfather status" the applicant shall submit evidence to the
9 Board that the operator was actively engaged in the business of towing and recovery
10 services on January 1, 2006. Such evidence shall include an applicable date and business
11 name of the operator and may include but shall not be limited to copy of state or federal
12 tax return, local business license, receipt for payment of personal property taxes, paid
13 purchase order forms or similar documents related to repair, lease or purchase of a tow
14 truck. The grandfather exemption shall expire on July 1, 2008.
15

16 **24 VAC 27-30-30. Operator's Licensure by examination.**

17
18 Applicants for licensure of those not engaged in the towing and recovery business on January 1,
19 2006 are required to:

- 20
- 21 A. Submit the application for license, indicating Class of operator, and remit payment of
22 fees applicable for application and first year license. Application shall include the
23 operator's federal tax identification number.
24
- 25 B. For license as a Class A Operator, submit evidence of passage of all sections of Level I
26 and of Level II of the Towing and Recovery Association's certification examination or
27 examination deemed by the Board to be equivalent.
28
- 29 C. For license as a Class B Operator, submit evidence of passage of all sections of Level I of
30 the Towing and Recovery Association's certification examination or examination deemed
31 by the Board to be equivalent.
32
- 33 D. Applicants for Class A and Class B operator's license shall additionally successfully pass
34 an open book jurisprudence examination provided by the Board on the laws and
35 regulations governing towing and recovery operators.
36

37 **24 VAC 27-30-35. Operator's Licensure by endorsement.**

38
39 An applicant may receive licensure by endorsement providing they (1) provide evidence of
40 passage of the applicable examination requirements, (2) submit evidence that they have been
41 actively engaged in towing and recovery services in another state for the past five consecutive
42 years, (3) provide a statement from a government entity in which they have been conducting
43 business(es) in the past five consecutive years that the applicant's business has not violated or

1 been disciplined for violation of their state laws and regulations governing towing and recovery
2 services, (4) passed the Board required jurisprudence examination and (5) submitted the required
3 applications and fees to the Board.

4
5 **24 VAC 27-30-40. Exemptions.**

6
7 The following shall be exempt from these regulations.

- 8
9 A. "Rollbacks" used exclusively to transport cargo other than vehicles.
- 10
11 B. "Automobile or watercraft transporters," "stinger-steered automobiles or watercraft
12 transporters" or "tractor trucks" as defined in § 46.2-100 of the Code of Virginia. Such
13 transporters are only exempt if capable of transporting five (5) or more vehicles and have
14 appropriate and required interstate operating authority.
- 15
16 C. "Household goods carriers" as defined in Section 46.2-100 of the Code of Virginia
17 providing they have been issued a valid "certificate of public convenience and necessity"
18 means by the Virginia Department of Motor Vehicles.
- 19
20 D. Tow trucks solely owned and operated directly by a government entity used for public
21 safety towing or non-commercial purposes, providing such do not impose a fee for
22 services rendered.
- 23
24 E. Tow trucks registered and domiciled in another state, providing such has appropriate and
25 required interstate operating authority. Such tow trucks must obtain a temporary
26 operating permit from the Board prior to operating in Virginia authorized by the Board.
27 However, tow trucks registered and domiciled in another state are not exempt from
28 licensure or provisions of applicable State laws or regulations of the Board if both pickup
29 or hook up and delivery of a vehicle are in Virginia.
- 30
31 F. Tow trucks owned by a person and used exclusively to transport vehicles owned by the
32 person providing there is no charge or acceptance of fees or payment for services. In
33 such situations, ownership of vehicles being transported must be supported by possession
34 of title, bill of sale, registration or other legal document while the vehicle is being
35 transported and signage must be permanently posted on the door of both sides of said tow
36 truck indicating "NOT FOR HIRE." Letters for such sign shall be each be at least 3
37 inches in height and each 1/4" in width and in a color contrasting with the tow truck's
38 color.
- 39
40 G. Tow trucks owned by tow truck dealers or tow truck manufacturers operating with a
41 legally recognized dealer license plate. Such tow trucks may only be operated by an
42 employee of the dealer or manufacturer for the sole purpose of transporting it to and from
43 the location of sale or demonstration. Such tow trucks shall be required to have

1 temporary or permanent lettering with the dealer's or manufacturer's name, city and state
2 and the words "NOT FOR HIRE" displayed on both on the door of sides of the tow truck.
3 Letters for such sign shall be each be at least 3 inches in height and each 1/4" in width
4 and in a color contrasting with the tow truck's color.
5

6 **24 VAC 27-30-45. Transfer of operator's license.**

- 7
- 8 A. An Operator's license is not transferable.
 - 9
 - 10 B. Transfer of an Operator's under emergency circumstances as agreed to by the BTRO
11 executive director shall be granted an exception for up to 90 days.
 - 12
 - 13 C. At any time in which 50% of more of an operator's towing and recovery business is sold
14 or transferred, the Board shall be notified in writing within 30 calendar days the sale or
15 transfer occurred.
16

17 **24 VAC 27-30-50. Temporary Towing Permits or duplicate applications**

18
19 The Board may promulgate regulations providing that an application for a certificate of towing
20 and registration of a tow vehicle, either new or after a transfer, the vehicle may be operated on
21 the highway under (i) temporary permit issued by the Board or (II) a duplicate application
22 carried in the vehicle.
23

24 **24 VAC 27-30-55. Trip permits, regulations, fees**

25
26 The Board may, on application on forms provided by the Board, issue a trip permit to any owner
27 of a tow truck which would otherwise be subject to registration with the Board but is not
28 currently registered. The permit shall be valid for three days and shall show the vehicle
29 identification number, the beginning point and the point of destination. The fee for the permit
30 shall be five dollars.
31

32 For a single-trip temporary registration or permit issued under this section, the applicant shall
33 pay a fee of \$.10 per mile for every mile to be traveled, in addition to any administrative fee
34 required by the Board.
35

36 **24 VAC 27-30-60. Unprofessional conduct.**

37
38 It shall be deemed unprofessional conduct, and may be subject to disciplinary action or sanctions
39 by the Board, for any licensed operator in the Commonwealth to violate any statute or regulation
40 governing towing and recovery services or fail to:
41

- 42 A. Employ any driver who fails to comply with the Board's requirements for drivers.
43

- 1 B. Advise the Board in writing of any change in ownership, or in the licensee's mailing or
2 principle business address within 30 days of such change occurring.
3
- 4 C. Use only drivers employed by a designated licensed operator and who has a valid driver's
5 authorization documentation from the Board.
6
- 7 D. Have the trade name, clearly indicated on all of the operator's tow trucks.
8
- 9 E. Retain for a minimum of one year, from last date of service, records of services and fees
10 charged or collected. If said records are not maintained at the operator's principle place
11 of business, the location of such records shall be made known to the Board at the Board's
12 request.
13
- 14 F. Allow an authorized agent of the Board to review or inspect, during regular business
15 hours, the operator's records of services rendered and fees charged or collected, facilities
16 and equipment. Such inspections shall be limited to that which is related to compliance
17 of laws or regulations governing operators.
18
- 19 G. Accept at least one of two nationally recognized credit cards. Such credit card may be
20 considered invalid if the credit card processing company denies charges being applied to
21 said card or if the card is not presented to the Operator for inspection. Operator may insist
22 payment by credit card be made at their principle place of business or any location at
23 which payment for fees or services is normally accepted. Operator may also insist at
24 his/her discretion to accept credit card only from registered owner of the vehicle towed or
25 impounded.
26
- 27 H. Post at the principle office, and at any location where payment is accepted, the maximum
28 fees normally charged for basic services for towing, recovery and processing fees for
29 vehicles weighing 26,000 pounds or less.
30
- 31 I. For private property/trespass towing prominently display, for all businesses engaged in
32 towing passenger vehicles without the consent of their owners, at their main place of
33 business and at any other location where towed vehicles may be reclaimed, a
34 comprehensive list of all their fees for towing and recovery or the basis of such charges.
35 This requirement to display a list of fees may also be satisfied by providing, when the
36 towed passenger vehicle is reclaimed, a written list of such fees, either as part of a receipt
37 or separately, to the person who reclaims the vehicle. Charges in excess of those posted
38 shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered
39 without his consent. If the owner or representative or agent of the owner of the
40 trespassing passenger vehicle is present and removes the trespassing vehicle from the
41 premises before it is actually towed, the trespassing vehicle shall not be towed, but the
42 owner or representative or agent of the owner of the trespassing vehicle shall be liable for
43 a reasonable fee, not to exceed **ENTER CODE SECTION** or such other limit as the

1 governing body of the county, city, or town may set by ordinance, in lieu of towing.

- 2
- 3 J. Provide, at the customer's request, a price list indicating the maximum fees normally
4 charged for basic services for towing, recovery and processing fees for vehicles weighing
5 26,000 pounds or less. If storage fees are not included in said list of charges, the list shall
6 include a statement indicating storage fees may be additional and vary according to size
7 and condition of vehicle, length of time vehicle is stored and other costs which may be
8 incurred by the operator when storing the vehicle.
9
- 10 K. Have affixed on the driver's side all of the operator's tow trucks a tow vehicle
11 authorization decal.
12
- 13 L. To display his operator's license in a conspicuous place in the principal office in which
14 he operates and display a copy of his operator's license at all other locations at which fees
15 for payment are accepted.
16
- 17 M. Comply with the provisions in accordance to § 43-32 of the Code of Virginia especially
18 as it pertains to the process of paperwork.
19

20 **24 VAC 27-30-65. Standards of practice.**

21
22 Violations of a standard of practice may be subject to Board disciplinary actions or sanctions.
23

- 24 A. All of an operator's places of business, including their offices and storage facilities shall
25 comply with any required state or local building or zoning laws or codes.
26
- 27 B. If required by the locality in which the operator designates as his principle place of
28 business, an operator must maintain a valid business license from that locality.
29
- 30 C. Any operator permanently ceasing to provide towing and recovery shall immediately
31 notify the Board in writing and return the license for voluntary suspension or revocation
32 of license.
33
- 34 D. A licensed operator must maintain the following proof of insurance; A, \$750,000 for
35 general commercial liability, B. \$50,000 garage keeper's liability, C. \$50,000 on hook
36 coverage, D. worker's compensation as required by state and federal entities.
37
- 38 E. Operators shall assure that only equipment designed and rated for the type of vehicle
39 being transported is used. Operators shall additionally assure that at no time shall one of
40 their tow trucks exceed the manufacturer's gross vehicle weight rating, for a Class B
41 Operator a minimum of 14,500 pounds on a rollback and a minimum of 10,000 on a
42 wrecker, for a Class A Operator a minimum of 33,000 gross vehicle weight pounds gross
43 vehicle weight for a wrecker and or manufacturer's rated capacity for towing apparatus.

- 1
2 F. All tow trucks shall meet all federal Department of Transportation and applicable
3 Virginia regulations. Towing or rollback units shall be a factory manufactured unit and
4 only used as designed and rated to haul the vehicle being transported. Tow trucks shall
5 be able to retain 50% of its front axle weight during towing operations. Safety chains or
6 straps shall be used in all towing operations with such chains or straps rated to secure the
7 towed vehicle to the tow truck.
8
9 G. Any and all advertisements, promotions, offers for services or invoices shall include the
10 operator's trade name as registered with the BTRO.
11
12 H. An operator shall be required to provide the owner of a vehicle, as defined in the Code of
13 Virginia, with written notice of their rights to be reimbursed for towing and storage of
14 their vehicle from the State Treasury.
15
16 I. Operators shall be responsible for the supervision and all actions of their employees and
17 drivers, including their compliance with laws and regulations governing towing and
18 recovery services.
19
20 J. An operator shall not provide a public safety tow service unless (1) authorized by the
21 Board to provide public safety towing and recovery services, (2) providing such services
22 under the direction and supervision of an operator authorized by the Board to provide
23 public safety towing and recovery services, or (3) if specifically requested by law
24 enforcement personnel to assist in an emergency situation. *Area of Concern – Move to*
25 *public safety regulations*
26
27 K. Whenever a trespassing vehicle is removed or towed without the owner's permission,
28 notice of this action shall forthwith be given by the operator to the State Police or the
29 local law-enforcement agency of the jurisdiction from which the vehicle was towed.
30 Should the operator fail to report such action, it shall limit the amount which may be
31 charged for the storage and safekeeping of the towed vehicle to an amount no greater
32 than that charged for one day of storage and safekeeping. If the vehicle is removed and
33 stored, the vehicle owner may be charged and the vehicle may be held for a reasonable
34 fee for the removal and storage.
35
36 L. In lieu of having a trespassing vehicle removed by towing or otherwise, the licensed
37 operator, at the request of the property's or premise's owner, operator, lessee or
38 authorized agent on which the trespassing vehicle is parked may immobilize the vehicle
39 by a boot or other device that prevents a vehicle from being moved by preventing a wheel
40 from turning, provided that the boot or other device does not damage the vehicle or
41 wheel. The charge for the removal of any boot or device shall not exceed \$25 or such
42 other limit as the governing body of the county, city, or town may set by ordinance.
43

- 1 M. An operator shall comply with all local ordinances or contracts, if any, with which he has
2 entered into an agreement or has accepted. The Board however shall not adjudicate
3 conflicts between an operator and a locality regarding compliance with local ordinances
4 or contracts.
5
- 6 N. For vehicles towed or removed from private property, unless different limits are legally
7 established by ordinance of the local governing body, an operator shall not charge a
8 hookup and initial towing fee in excess of \$125. For towing a such vehicle between seven
9 o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional
10 fee of ten dollars no more than \$25 per instance may be charged.; however, in no event
11 shall more than two such fees be charged for towing any such vehicle. No charge shall be
12 made for storage and safekeeping for a period of twenty-four hours or less. Except for
13 such stated fees, no other fees or charges shall be imposed during the first twenty-four-
14 hour period.
15
- 16 O. No operator shall impersonate a licensed operator of a like or different name;
17
- 18 P. No operator shall publish or cause to be published in any manner an advertisement that is
19 false, deceptive, or misleading, or violates regulations of the Board governing advertising
20 by towing and recovery operators.
21
- 22 Q. No operator shall provide any towing and recovery services for vehicles of a gross
23 vehicle weight over 26,000 pounds unless licensed as a Class A Operator.
24
- 25 R. No operator shall:
26
- 27 1. Engage in fraud or deceit in the offering or delivering of towing and recovery
28 services.
29
 - 30 2. Conduct his business or offering services in such a manner as to endanger the
31 health and welfare of the public.
32
 - 33 3. Allow any use of alcohol or drugs to the extent such use renders the operator or
34 his drivers unsafe to provide towing and recovery services.
35
 - 36 4. Neglect to maintain on record at the licensed operator's principal office a list of
37 all drivers in the employ of the operator.
38
 - 39 5. Obtain any fee by fraud or misrepresentation.
40
 - 41 6. Advertise directly or indirectly that which deceives, misleads, or defrauds the
42 public.
43

- 1 7. Advertise or offering services under a name other than one's own name or trade
2 name (as specified on the truck) as set forth on the operator's license.
- 3
- 4 8. One of two nationally recognized credit card.
- 5
- 6 9. Fails to display at the licensed operator's principal office in a conspicuous place a
7 listing of all towing, recovery, and processing fees for vehicles of 26,000 pounds
8 gross vehicle weight or less.
- 9
- 10 10. Fails to have readily available, at the customer's request, the maximum fees
11 normally charged by the licensed operator for basic services for towing and initial
12 hookup of vehicles of 26,000 pounds gross vehicle weight or less.
- 13
- 14 11. Fails to provide at the consumer's request the phone number for which consumer
15 complaints may be filed with the Board.
- 16
- 17 12. Knowingly charges excessive fees for towing, storage, or administrative services
18 or charging fees for services not rendered.
- 19
- 20 13. Fails to maintain all towing records, which shall include itemized fees, for a
21 period of one year from the date of service.
- 22
- 23 14. Willfully invoice for payment any services not stipulated or otherwise
24 incorporated in a contract for services rendered between the licensed operator and
25 any locality or political subdivision of the Commonwealth that has established a
26 local Towing Advisory Board pursuant to § 46.2-1233.2 of the Code of Virginia.
- 27
- 28 15. No operator shall employ any driver that is required to register as a sex offender
29 as provided in § 9.1-901 in the Code of Virginia.
- 30
- 31 16. Remove or tow a trespassing vehicle, as provided in § 46.2-1231 in the Code of
32 Virginia, or a vehicle towed or removed at the request of a law-enforcement
33 officer to any location outside the Commonwealth.
- 34
- 35 17. Refuse at any operator's place of business where payment is accepted, to make
36 change, up to \$100, for the owner of the vehicle towed without the owner's
37 consent if the owner pays in cash for charges for towing and storage of the
38 vehicle.
- 39
- 40 18. Violates, assists, induces, or cooperates with others in violating any provisions of
41 law related to the offering or delivery of towing and recovery services, including
42 the laws and regulations governing towing and recovery services.
- 43

1 19. Fails to provide the owner of a stolen vehicle written notice of his right under law
2 to be reimbursed for towing and storage of his vehicle out of the state treasury
3 from the appropriation for criminal charges as required in § 46.2-1209 of the
4 Code of Virginia.

5
6 20. Process all paperwork on vehicles towed or impounded in accordance to the § 43-
7 32 of the Code of Virginia.
8
9

10 **24 VAC 27-30-70. Operating without a license, penalties.**

11
12 A. Should the Board, after investigation, determine an operator is engaged in or offering
13 towing and recovery services without a license, as authorized by the Code of Virginia, the
14 Board may bring an action in the name of the commonwealth to enjoin any violations of
15 these regulations, statutes or Chapter 28 of Title 46.2.
16

17 B. Those found to be engaged in or offering towing and recovery services without a license
18 may be subject to a Board imposed civil penalty of up to \$1,000 for each violation.
19

20 C. Additionally, the Board may seek criminal prosecution where the violation has occurred
21 as provided in Section 46.2-2812 of the Code.
22

23 **24 VAC 27-30-75. Expedited process to consider consumer complaints.**

24
25 A. The Boards executive director or designated staff shall have the authority to initiate an
26 expedited process to mediate and resolve complaints filed against those licensed or
27 otherwise regulated by the board according to guidelines developed by the board.
28

29 B. Anonymous complaints received by the board will be handled in accordance with board
30 policy and guidance documents.
31
32

33 **24 VAC 27-30-80. Prerequisites for Application for Driver's Authorization.**

34
35 A. Applicants for a Board's driver's authorization shall require
36

37 1. Provide the Board with finger prints of the applicant for the purpose of assisting
38 the required criminal background check. Fingerprints must be submitted to the
39 Board or its designated subordinate directly from the law enforcement agency
40 arranging for such finger prints to be obtained. Cost of obtaining finger prints are
41 the responsibility of the applicant. *Area of Concern – Curtis Note: Issues of*
42 */concerned were addressed by the Bylaws committee on July 10, 2007.*
43

- 1 2. Authorization and applicable payment for the Board to conduct a criminal
2 background check as required by the Code of Virginia (FBI criminal background
3 check.) Results of the background check shall be sent directly to the Board office
4 and maintained confidentially unless its contents are used to reject or place
5 conditions upon a driver's authorization document.
6
- 7 3. Possess a valid driver's license. The driver shall be required to possess a
8 commercial driver's license if applicable to the Class of Operator the driver is to
9 be employed or the type of tow truck to be driven.
10
- 11 4. The applicant shall be required to sign a statement verifying they are not currently
12 on any state or federal list as a sex offender.
13
- 14 5. Driver's authorization documents shall be valid for one year and subject to annual
15 renewal on June 30th of each year. Driver authorization documents issued on or
16 after April 1 of any year, with the payment of a full years fee, will be valid until
17 June 30th of the following year.
18

19 **24 VAC 27-30-85. Requirements for Drivers.**

20
21 All drivers shall:

- 22
- 23 A. Possess a valid and appropriate driver's license within 60 days of employment.
24
- 25 B. At time of application, provide evidence that he is employed or about to be employed by
26 a licensed operator.
27
- 28 C. Promptly advise the Board of the driver's employee who shall be a licensed operator.
29
- 30 D. Maintain in their possession and have readily available for inspection, when providing
31 towing and recovery services, their Board issued driver's authorization documentation.
32 The driver's authorization document shall include the name of the driver and the driver's
33 appropriate driver's license number of the state in which they hold a valid driver's
34 license.
35
- 36 E. Notify the Board immediately upon the driver being convicted of an offense in which the
37 driver is required to be included in the state or federal lists of convicted sex
38 offenders.
39
- 40 F. Provide services in a safe manner.
41
- 42 G. Review and read all regulations and laws related to standards of practice, unprofessional
43 conduct and safety prior to operating a tow truck or providing towing and recovery

1 services. The driver shall sign a statement to be retained by the operator who employs
2 the driver verifying the driver's compliance with this subsection
3

4 H. Notify the Board within 15 days of any change in licensed operator who employs the
5 driver. The driver's authorized documentation shall, within 30 days of any change in
6 employer, reflect the current operator or operators whom employ the driver.
7

8 I. As may requested by the Board, return their driver's authorization document should the
9 Board determine the driver has violated laws or regulations governing towing and
10 recovery services. The Board shall have the authority to rescind, revoke or deny driver's
11 authorization documentation.
12

13 J. The Board may issue a driver's authorization document to a driver employed by a towing
14 and recovery operator from out of state and not otherwise eligible for license providing
15 the out of state driver provides the Board with documentation of (1) their employment by
16 an out of state operator, (2) their completing finger print, criminal background check
17 requirements applicable to drivers employed by a licensed operator, and (3) evidence that
18 they are not listed in any local, state or federal listing of sex offenders. Such out of state
19 drivers must retain a log of dates, location of pick up and delivery and the type of towing
20 and recovery services provided for inspection and review upon request of the Board. Out
21 of state drivers must delivery the towed vehicles for storage at premises located in
22 Virginia unless specified in writing in advance by the owner of the vehicle.
23

24 **24 VAC 27-30-90. Renewal of licensure; renewal of fees.**
25

26 A. All those licensed by the Board as a towing and recovery operator shall, on or before July
27 1 of every year, submit a completed renewal application and pay the prescribed annual
28 licensure fee.
29

30 B. It shall be the duty and responsibility of each licensee to assure that the Board has the
31 licensee's current mailing address. All changes of mailing addresses or change of name
32 shall be furnished to the Board within 30 days after the change occurs. All notices
33 required by law or by these rules and regulations are to be deemed validly tendered when
34 mailed to the address given and shall not relieve the licensee of the obligation to comply.
35

36 C. The license of every person or business who does not reply the completed form(s) and
37 fee(s) by August 31 of each year may be renewed for up to one year by paying the
38 prescribed renewal fee and late fee. After August 31, a license that has not been renewed
39 is lapsed. Engaging in towing and recovery services with a lapsed license may subject
40 the licensee to disciplinary action and additional fines by the Board.
41

42 D. An operator whose license has been lapsed for more than 60 days and who wishes to
43 resume providing services as a towing and recovery operator shall re-apply for licensure.

1 **24 VAC 27-30-95. Requirements for continuing education.**

- 2
- 3 A. Exclusive of additional hours which may required of those recognized by the Board to
4 provide Public Safety Towing and Recovery Services, each operator's license for renewal
5 shall be conditioned upon submission of evidence to the Board of 16 hours of continuing
6 education taken by the applicant during the previous license period.
7
- 8
- 9 1. The required hours of continuing education shall be directly related to the safe
10 and proper rendering of towing and recovery services, proper inspection and
11 maintenance of equipment, and laws and regulations governing towing and
12 recovery operators.
13
- 14 2. Courses that are offered directly by or of which a majority of their content
15 promote the sale of specific equipment or products or on augmenting income are
16 excluded and will not receive credit by the Board.
17
- 18 B. Each licensee shall attest to fulfillment of continuing education hours on the required
19 annual renewal form prepared by the Board. All continuing education shall be completed
20 prior to July 1 of each year unless an extension or waiver has been granted by the Board's
21 Continuing Education Committee.
22
- 23 C. Requests to the Board for consideration of waiver, reduction in the number of hours or
24 extension for time to complete continuing education shall be in writing and must be
25 received by the Board no later than April 1 of the year for which such request is being
26 made. Such requests are only to be considered when based on documented illness or
27 undue hardship.
28
- 29 D. All continuing education courses shall be offered by an approved sponsor. Courses
30 which are not offered by an approved sponsor shall not be accepted for continuing
31 education credit.
32
- 33 E. At least one-half of the required number of continuing education credit hours completed
34 annually shall be through face to face instruction which requires the presenter and
35 audience see and hear each other during the presentation.
36
- 37 F. Courses presented via the internet or by correspondence must be (1) sponsored by a
38 Board approved sponsor and (2) require a post-test with credit only to be granted for the
39 licensee receiving a passing grade as indicated on the certificate of completion of the
40 course.
41
- 42 G. Licensees shall maintain documentation for a period of at least three years of the
43 continuing education completed as required for renewal of license.

- 1
2 H. At the discretion of the Board, a random audit of licensees may be conducted by the
3 Board which will require that the licensee, within 21 days of the request, provide
4 evidence substantiating participation in the required continuing education courses.
5
6 I. Documentation of hours shall clearly indicate the (1) name of the sponsor of the
7 continuing education, (2) name or title of the presentation or instruction, (3) name of
8 instructor, (4) location instruction presented, (5) time period of instruction, (6) number of
9 applicable continuing education hours received, (7) name of the licensee, and (8) either a
10 signature, type of stamp or some other means to verify attendance. Documents failing to
11 have the required information shall not be acceptable to the Board. Correspondence or
12 internet courses shall be credited according to the date on which the post test was graded
13 as indicated on the applicable continuing education certificate.
14
15 J. One hour of continuing education credit shall require the licensee's presence and
16 participation for at least 50 minutes.
17
18 K. A licensee shall be exempt from the continuing education competency requirements for
19 the first renewal following the date of initial licensure by examination in Virginia.
20
21